

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

:
BRANDON BRAZELTON, :
Plaintiff, :
v. : Case No.: _____
LORRAINE GOLDBERG, et al. :
Defendants. :
:

NOTICE OF REMOVAL

To the Honorable Judges of the Eastern District of Virginia:

Defendants Lorraine Goldberg, Elissa Wilk and Michael Chapman, by and through their undersigned counsel, Alexander Francuzenko, Esq., and the law firm of Cook, Craig & Francuzenko, PLLC, hereby submit this Notice of Removal pursuant to 28 U.S.C. § 1446, requesting that this Honorable Court assume jurisdiction over this action, and sets forth the following reasons:

1. The above-captioned matter was commenced by the filing of a Complaint in the Circuit Court of Loudoun County on April 28, 2021. The action is currently pending in that court. A copy of the Complaint and the summons issued to the Defendants is attached hereto pursuant to 28 U.S.C. § 1446 (Attachment 1). To date no defendant has filed a responsive pleading. In his Complaint, Plaintiff demands a trial by jury.

2. Plaintiff, Brandon Brazelton's, Complaint asserts, among numerous other alleged violations of law, a violation of Plaintiff's constitutional rights under the Fourth Amendment to be free from unlawful arrest (Count IV). He was arrested on charges of Strangulation, Domestic

Assault & Battery, and Interfering with a 911 Call. During his incarceration he alleges that he was held unlawfully for violating an emergency protective order by contacting his wife 11 times. He alleges that he was never personally served as Deputy Goldberg claimed.

3. Plaintiff alleges that because he was not personally served and Detective Wilk relied upon the belief he was, charged him with an additional 11 counts of Violation of a Protective Order. This caused him to be held for an additional nine days which he claims was a violation of his constitutional rights under the Fourth Amendment.

4. In his Complaint, Plaintiff alleges civil rights claims pursuant to 42 U.S.C. § 1983. And in Count IV of his Complaint, Plaintiff alleges that his constitutional right to be free from unlawful arrest was violated. (*See Compl. at ¶ 39, 40*) (asserting violation of arrestee's constitutional right to be free from unlawful arrest).

5. Pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1443, this case meets the requirements for removal to federal court as it asserts claims arising out of the United States Constitution and laws of the United States and maintains a "civil rights" action.

6. This Notice of Removal is being filed with the Court within thirty (30) days after Defendants' receipt of the Complaint. As thirty (30) days have not expired since the action was received by Defendants, removal is proper pursuant to 28 U.S.C. § 1446(b).

7. The filing of this Notice of Removal is being served on Plaintiff and the Clerk of Loudoun County Circuit Court (Attachment 2).

8. Based on the foregoing, this action must be removed to United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. § 1446.

WHEREFORE, the Defendants, Lorraine Goldberg, Elissa Wilk, and Michael L. Chapman, respectfully request that this action be removed from Loudoun County Circuit Court to the United States District Court for the Eastern District of Virginia (Alexandria Division).

Respectfully Submitted,

/s/ _____
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May 2021, I served a copy of the foregoing Notice of Removal upon the following via ECF and U.S. Mail:

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